

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEVIN BARNES,

Plaintiff,

-against-

CARSON BLOCK and MUDDY WATERS, LLC,

Defendants.

22 Civ. 7236

NOTICE OF REMOVAL

Defendants Carson Block and Muddy Waters, LLC (collectively, “Defendants”) submit this Notice of Removal of this action from the Supreme Court of the State of New York, New York County, to the United States District Court for the Southern District of New York. Pursuant to 28 U.S.C. § 1446, Defendants, by their undersigned attorneys of record, state:

1. On or about July 25, 2022, Plaintiff commenced a civil action entitled *Barnes v. Block, et al.*, Index No. 652580/2022, in the Supreme Court of the State of New York, New York County (the “State Court Action”), by filing a Summons with Notice. A copy of the Summons with Notice is annexed hereto as Exhibit A.

2. According to the Affidavit of Service filed in the State Court Action, Muddy Waters, LLC was served with the Summons with Notice on July 29, 2022. A copy of the Affidavit of Service on Muddy Waters, LLC is annexed hereto as Exhibit B.

3. According to the Affidavit of Service filed in the State Court Action, Carson Block was served with the Summons with Notice on August 13, 2022. A copy of the Affidavit of Service on Carson Block is annexed hereto as Exhibit C.

4. This Notice of Removal has been filed within the time provided by 28 U.S.C. § 1446(b).

5. Annexed hereto as Exhibit D is a copy of an Affirmation Plaintiff filed in the State Court Action on August 19, 2022.

6. Annexed hereto as Exhibit E is a copy of the docket in the State Court Action.

7. No other process, pleadings or orders have been served on Defendants in this matter.

8. The Supreme Court of the State of New York, New York County, is within the geographical coverage of the United States District Court for the Southern District of New York.

9. This action may be removed to this Court because this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a). The matter in controversy exceeds \$75,000 and the parties are citizens of different states.

10. The Summons with Notice states that Plaintiff is seeking \$7 million in this case. *See* Exhibit A at 2.

11. Upon information and belief, Plaintiff resides and is domiciled in the State of Pennsylvania.

12. Carson Block resides and is domiciled in the State of Texas.

13. Muddy Waters, LLC is a limited liability corporation formed under the laws of the State of Nevada. Its principal place of business is the State of Texas. Its sole member is Carson Block, who resides and is domiciled in the State of Texas.

14. All Defendants consent to and join in this Notice of Removal.

15. By filing this Notice of Removal, Defendants do not waive, and expressly reserve, any available defenses, including, but not limited to, defenses based on the statute of limitations, the lack of personal jurisdiction, the statute of frauds, and the absence of any agreement to create or maintain a partnership.

WHEREFORE, pursuant to 28 U.S.C. §1446 et seq., Defendants request that this action be removed from the Supreme Court of the State of New York, New York County, to this Court.

Dated: August 24, 2022
New York, New York

EMERY CELLI BRINCKERHOFF
ABADY WARD & MAAZEL LLP

/s/

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Samuel Shapiro

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*Attorneys for Defendants Carson Block &
Muddy Waters, LLC*